

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/22/09

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RNC CONSOLIDATED CASES (RJS) (JCF)¹

**STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL**

WHEREAS plaintiffs in the above-referenced cases moved between August 27, 2007 and August 31, 2007 to add Deputy Commissioner David Cohen as a defendant and assert claims against him alleging that certain of their constitutional rights were violated; and

WHEREAS defendants opposed the addition of Deputy Commissioner David Cohen as a defendant and any addition of claims against him before Magistrate Judge James C. Francis IV and before District Judge Richard J. Sullivan; and

WHEREAS the addition of Deputy Commissioner David Cohen and claims against him were allowed to proceed by orders of Magistrate Judge James C. Francis IV and District Judge Richard J. Sullivan; and

WHEREAS defendants filed an appeal on June 2, 2009 to the Second Circuit Court of Appeals seeking reversal of the orders permitting the addition of Deputy Commissioner David Cohen and plaintiffs' claims against him;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT, pursuant to Fed. R. Civ. P. 41, Deputy Commissioner David Cohen is dismissed as a defendant and all claims that were or could have been asserted on behalf of any

¹ See Appendix A for complete list of cases wherein Commissioner David Cohen is named as a defendant.

and all plaintiffs against Deputy Commissioner David Cohen in the above-referenced cases are hereby dismissed with prejudice.

Dated: New York, New York
July 8, 2009



Jonathan C. Moore
Clare R. Norins
Beldock, Levine & Hoffman LLP
Attorneys for Plaintiffs in MacNamara
and Putative Class Members
99 Park Avenue
New York, New York 10016
(212) 490-0400

Rose M. Weber
Attorney for Plaintiffs in Bunim, Kalra,
Ryan, Garbini, Greenwald, Pickett,
Tremayne, Biddle, Moran, Botbol,
Croft, Stark, and Lalier
225 Broadway, Suite 1607
New York, New York 10007
(212) 748-3355

Michael L. Spiegel
Law Offices of Michael L. Spiegel
Attorney for Plaintiffs in Adams,
Araneda, and Eastwood
111 Broadway, Suite 1305
New York, New York 10006
(212) 587-8558

Alan Levine
Attorney for Plaintiffs in Abdell
(now Amato)
99 Hudson Street, 14th Floor
New York, New York 10013
(212) 739-7506

and all plaintiffs against Deputy Commissioner David Cohen in the above-referenced cases are hereby dismissed with prejudice.

Dated: New York, New York
July 8, 2009

Jonathan C. Moore
Clare R. Norins
Beldock, Levine & Hoffman LLP
Attorneys for Plaintiffs in MacNamara
and Putative Class Members
99 Park Avenue
New York, New York 10016
(212) 490-0400

Rose M. Weber
Rose M. Weber
Attorney for Plaintiffs in Bunim, Kalra,
Ryan, Garbini, Greenwald, Pickett,
Tremayne, Biddle, Moran, Rothol,
Crony, Stark, and Lallier
225 Broadway, Suite 1607
New York, New York 10007
(212) 748-3355

Michael L. Spiegel
Law Offices of Michael L. Spiegel
Attorney for Plaintiffs in Adams,
Arnold, and Eastwood
111 Broadway, Suite 1305
New York, New York 10006
(212) 587-8558

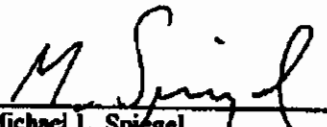
Alan Levine
Attorney for Plaintiffs in Abdel
(now Amato)
99 Hudson Street, 14th Floor
New York, New York 10013
(212) 739-7506

and all plaintiffs against Deputy Commissioner David Cohen in the above-referenced cases are hereby dismissed with prejudice.

Dated: New York, New York
July 8, 2009

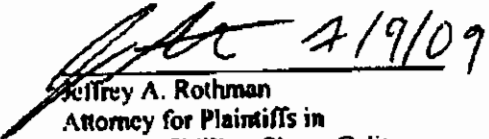
Jonathan C. Moore
Clare R. Norins
Beldock, Levine & Hoffman LLP
Attorneys for Plaintiffs in MacNamara
and Putative Class Members
99 Park Avenue
New York, New York 10016
(212) 490-0400

Rose M. Weber
Attorney for Plaintiffs in Bunim, Kalra,
Ryan, Carbin, Greenwald, Pickett,
Tremayne, Biddle, Moran, Borbol,
Crotty, Stark, and Laller
225 Broadway, Suite 1607
New York, New York 10007
(212) 748-3355



Michael L. Spiegel
Law Offices of Michael L. Spiegel
Attorney for Plaintiffs in Adams,
Araneda, and Eastwood and Aladell
111 Broadway, Suite 1305
New York, New York 10006
(212) 587-8558

Alan Levine
Attorney for Plaintiffs in Abdell
(now Amato)
99 Hudson Street, 14th Floor
New York, New York 10013
(212) 739-7506

 7/19/09
Jeffrey A. Rothman
Attorney for Plaintiffs in
Coburn, Phillips, Sloan, Galitzer,
Bastidas, Xu, Sikelianos, and
Drescher
315 Broadway, Suite 200
New York, New York 10007
(212) 227-2980

Robert Finkelstein
Allegretti, Berger, & Vogel LLP
Attorneys for Plaintiff in Grosso
111 Broadway, 20th Floor
New York, New York 10006
(212) 616-7061

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants

James Mirro
Raju Sundarun
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, New York 10007
(212) 788-8026


Jeffrey A. Rothman
Attorney for Plaintiffs in
Coburn, Phillips, Sloan, Gratzner,
Bartidas, Xu, Sikelianos, and
Drescher
315 Broadway, Suite 200
New York, New York 10007
(212) 227-2980

Robert Finkelstein 7/13/09
Robert Finkelstein
Allegaert, Berger, & Vogel LLP
Attorneys for Plaintiff in Grosso
111 Broadway, 20th Floor
New York, New York 10006
(212) 616-7061

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants

James Mirro 7/21/09
James Mirro
Raju Sunderan
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, New York 10007
(212) 788-8026

SO ORDERED:


U.S.D.J.
7/22/09

APPENDIX A

RNC Cases Where Commissioner Cohen Is A Named Defendant

1. MacNamara, et al. v. City of New York, et al., 04 CV 9216 (RJS)(JCF).
2. Bunim, et al. v. City of New York, et al., 05 CV 1562 (RJS)(JCF).
3. Katra, et al. v. City of New York, et al., 05 CV 1563 (RJS)(JCF).
4. Ryan, et al. v. City of New York, et al., 05 CV 1564 (RJS)(JCF).
5. Garbini, et al. v. City of New York, et al., 05 CV 1565 (RJS)(JCF).
6. Greenwald, et al. v. City of New York, et al., 05 CV 1566 (RJS)(JCF).
7. Pickett, et al. v. City of New York, et al., 05 CV 1567 (RJS)(JCF).
8. Tremayne, et al. v. City of New York, et al., 05 CV 1568 (RJS)(JCF).
9. Biddle, et al. v. City of New York, et al., 05 CV 1570 (RJS)(JCF).
10. Moran, et al. v. City of New York, et al., 05 CV 1571 (RJS)(JCF).
11. Bothol, et al. v. City of New York, et al., 05 CV 1572 (RJS)(JCF).
12. Crony, et al. v. City of New York, et al., 05 CV 7577 (RJS)(JCF).
13. Stark, et al. v. City of New York, et al., 05 CV 7579 (RJS)(JCF).
14. Lalier, et al. v. City of New York, et al., 05 CV 7580 (RJS)(JCF).
15. Grosso v. City of New York, et al., 05 CV 5080 (RJS)(JCF).
16. Phillips, et al. v. City of New York, et al., 05 CV 7624 (RJS)(JCF).
17. Coburn, et al. v. City of New York, et al., 05 CV 7623 (RJS)(JCF).
18. Drescher v. City of New York, et al., 05 CV 7541 (RJS)(JCF).
19. Bastidas, et al. v. City of New York, et al., 05 CV 7670 (RJS)(JCF).
20. Xu, et al. v. City of New York, et al., 05 CV 7672 (RJS)(JCF).
21. Sloan, et al. v. City of New York, et al., 05 CV 7668 (RJS)(JCF).
22. Galitzer v. City of New York, et al., 05 CV 7669 (RJS)(JCF).
23. Sikelianos v. City of New York, et al., 05 CV 7673 (RJS)(JCF).
24. Abdell, et al. v. City of New York, et al., 05 CV 8453 (RJS)(JCF).
25. Adams, et al. v. City of New York, et al., 05 CV 9484 (RJS)(JCF).
26. Arzopeda, et al. v. City of New York, et al., 05 CV 9738 (RJS)(JCF).
27. Eastwood, et al. v. City of New York, et al., 05 CV 9483 (RJS)(JCF).